

## BOARD OF SELECTMEN

Minutes of the Meeting of 22 March 2007 at 9:30 AM. The meeting took place in the Land Bank Conference Room, 22 Broad Street, Nantucket, MA 02554. Members of the Board present were Brian Chadwick, Michael Kopko, Catherine Flanagan Stover (joined the meeting in executive session) and Whiting Willauer. Douglas Bennett was absent. Chairman Willauer called the meeting to order at 9:30 AM.

Chairman Willauer polled the Board and Mr. Kopko, Mr. Chadwick and Chairman Willauer voted unanimously by a roll call vote to adjourn to executive session, to return to open session, for the purpose of approving minutes, discussing real estate matters and collective bargaining negotiations.

At 12:00 PM, following executive session business, Mr. Kopko moved to return to open session for the purpose of discussing Article 60 of the 2007 Annual Town meeting warrant, to return to executive session to complete its business on a real estate matter. Ms. Stover seconded. So voted unanimously by a roll call vote.

Review of Proposed Sewer Act (Article 60 of 2007 Annual Town Meeting Warrant) with Finance Committee and Town Counsel. Town Administrator Libby Gibson provided background information and recommended that the proposed sewer act be put forward at the 2007 ATM. Discussion followed on the specifics of the proposed act, including the authorizing nature of the sewer act, capacity utilization fee, sewer commission and membership. Town Counsel Paul DeRensis spoke on reasons behind establishing a sewer act and explained its various components. DPW Director Jeff Willett spoke against the creation of a separate sewer commission. Discussion continued on fines and violations referenced in the act, liens and interest as related to non-payment of sewer related fees and charges, separate assessments for infiltration/inflow improvements, any veto power of the Department of Environmental Protection, validity of a sewer district criteria checklist, and if there is an "appeals process" regarding sewer districts. Discussion followed on next steps regarding a motion on Article 60.

The Board consented to consider the revised article at its March 28, 2007 meeting. The Finance Committee voted to adopt the motion as discussed today subject to any amendments made by the Board at its March 28, 2007 meeting, agreeing to reconsider the matter at its March 29, 2007 meeting if necessary.

Article 53/Amendment to Town Code Ch. 41). Discussion followed on the authority of the Board of Selectmen to modify sewer districts. Mr. DeRensis spoke against modifying the bylaw for legal and statutory reasons. Discussion followed on the Sewer Advisory Committee recommendation to amend the bylaw. The Finance Committee then voted to rescind its prior motion to Article 53 and then voted a new motion, not to adopt the article.

At 2:15 PM, Chairman Willauer polled the Board and Mr. Kopko, Mr. Chadwick, Ms. Stover and Chairman Willauer voted unanimously by a roll call vote to adjourn to executive session to finalize a real estate matter.

Approved the 4<sup>th</sup> day of April 2007.